IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

UNILOC USA, INC., UNILOC	§	
LUXEMBOURG, S.A., UNILOC 2017 LLC,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	CIVIL ACTION NO. 2:17-CV-00651-JRG
	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC., SAMSUNG CO. LTD.,	§	
	§	
Defendants.	§	

ORDER MEMORIALIZING RULINGS FROM MARCH 4, 2019 PRETRIAL HEARING

On March 4, 2019, the Court held a Pretrial Hearing on certain motions in the abovereferenced case. This Order memorializes the Court's rulings at the hearing.

Defendants' Motion for Summary Judgment of Non-Infringement (Dkt. No. 102) is **GRANTED-IN-PART** and **DENIED-IN-PART**. The Court **GRANTS** the motion as to direct infringement, and **DENIES** it in all other respects.

The Court **GRANTS** Plaintiffs leave to file an amended damages report subject to the following deadlines:

- Plaintiffs' amended damages report is due on March 8, 2019.
- Defendants' responsive report on damages is due on March 11, 2019.
- Any deposition of Plaintiffs' damages expert shall occur no later than **March 14, 2019**.
- Any deposition of Defendants' responsive damages expert shall occur no later than March
 14, 2019.
- *Daubert* motions, if any, are due on **March 18, 2019**.

• Responses to any *Daubert* motions are due on **March 21, 2019**.

Defendants' Motion to Strike Plaintiffs' Doctrine of Equivalents Arguments (Dkt. No. 96)

is **DENIED**.

Defendants' Daubert Motion to Exclude Certain Opinions and Testimony of Dr. William

C. Easttom II (Dkt. No. 99) is **GRANTED-IN-PART** and **DENIED-IN-PART**. In view of the

Court's ruling on Defendants' Motion for Summary Judgment of Non-Infringement (Dkt. No.

102), the Court **GRANTS** the motion and **STIKES** Dr. Easttom's report as to, but only as to, direct

infringement by Samsung. The Court **DENIES** the motion in all other respects.

Defendants' Motion for Summary Judgment of No Pre-Suit Damages (Dkt. No. 100) is

DENIED as moot in light of the Court's Order on Defendant's Motion for Summary Judgment of

Non-Infringement (Dkt. No. 102) and Plaintiffs' assertions that Plaintiffs are not seeking damages

for pre-suit induced infringement.

Plaintiffs' Motion to Strike Portions of Expert Reports by Defendants' Expert Nenad

Medvidovic (Dkt. No. 101) is **DENIED**.

This Court will conduct a second Pretrial Hearing addressing any remaining issues on

March 26, 2019 at 9:00 a.m.

So Ordered this

Mar 8, 2019

RODNEY GILSTRAP

UNITED STATES DISTRICT JUDGE